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Docket No.: 20523 US (088415/200240)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of :

Chyi-Cheng CHEN and

Bruno LEUENBERGER

Serial No.: 09/726,880

Filed: November 30, 2000

For: **A VITAMIN POWDER COMPOSITION
AND METHOD OF MAKING**

Examiner: T. Ware

Art Unit: 1615

New York, New York
April 11, 2002

RESPONSE TO RESTRICTION REQUIREMENT

Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action mailed March 12, 2002, which set a one-month shortened statutory period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before April 12, 2002. 37 CFR § 1.8. No fee is believed to be due. If it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

Restriction Requirement

On page 2, of the Office Action, the Examiner issued a six-way restriction requirement pursuant to 35 USC § 121. The restriction divided the claims into the

following allegedly distinct inventions: Group I drawn to "a powder," containing claims 1-15 and 17; Group II drawn to "an emulsion," containing claim 16; Group III drawn to "a beverage," containing claims 18-19; Group IV drawn to "a skin care product," containing claims 20-21; Group V drawn to "a method for making a powder," containing claims 22-24; and Group 6 drawn to "a pharmaceutical tablet," containing claims 25-27.

(RESTRICTION REQUIREMENT dated March 12, 2002 at 2.)

In issuing the restriction requirement, the Examiner asserted that "[b]ecause these inventions are distinct ... restriction for examination purposes as indicated is proper." (*Id.* at 9.)

In accordance with restriction practice, the subject matter of claims 1-5 and 17 (Group I) is hereby elected for prosecution with traverse.

For the reasons set forth above, examination on the merits and allowance of the claims respectfully is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231, on April 11, 2002.


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Respectfully submitted,

By: 

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